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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,514	09/20/2005	Doug Goertzen	C525 0371	1911
1333 7590 03/06/2008 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER MCFADDEN, SUSAN IRIS	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 03/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,514

Applicant(s)

GOERTZEN ET AL.

Examiner

Susan McFadden

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9-20-05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 74-79,81, and 85-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Sherman (6,952,676).

In regard to claims 74 and 75, Sherman shows in Figure 1, an apparatus for controlling a function provided at least in part by way of a portable electronic device, the apparatus comprising: a portable device comprising: a microphone for obtaining speech data (item 129); digitizing the speech data (col 8, Fig. 3, item 326); a first transceiver (wireless communication channel, col. 7, ln 55-60) for transferring the speech data to a computer system (Fig. 3, col. 6); and a speaker (item 128) for providing an audible signal on the occurrence of a trigger specified by control data; and a computer system comprising: a data store for performing speech recognition on the speech data and extracting a spoken command (col. 7-8, item 326); means for identifying at least a desired trigger for an event based upon a result of the speech recognition; means for generating control data corresponding to the desired trigger; and a second transceiver

(wireless communication channel, col. 7, ln 55-60) transferring the control data from the computer system to the portable device (col. 6-8, data can be uploaded or downloaded).

In regard to claims 76,79, and 85-87, Sherman shows the an apparatus discussed above, wherein the portable device comprises a clock and a means for comparing a current time to a time specified by the control data (col. 6, ln 6, calendar application would inherently includes a clock which has times for tasks that can be compared) and means for identifying one of a plurality of functions based upon an output of the means for speech recognition (questions asked and answered which means they are parsed for keywords).

In regard to claims 77 and 78, Sherman shows the apparatus discussed above, wherein the computer system comprises a speech synthesizer (col. 8, ln 50-65), which inherently comprises a plurality of synthesized voices and the computer system comprises a means for selecting one of the plurality of synthesized voices based upon a result of the speech recognition (users can usually customize the voice that speaks tasks to them).

In regard to claim 81, Sherman shows the apparatus discussed above, wherein wherein the computer system comprises a calendar facility (col. 6, ln 10-20).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (cited above).

In regard to claim 80, Sherman shows the apparatus discussed above, wherein wherein the computer system comprises a plurality of applications (col. 6, ln 10-20). Sherman does not specifically show that the computer system comprises means for identifying one of a plurality of functions based upon an output of the means for speech recognition and means for selecting one of the plurality of voices based upon the identified function. The Examiner takes Official Notice that one in the art of portable devices would know how to program this feature to be performed.

3. Claims 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (cited above) in view of Forcier et al. (7,061,381).

In regard to claims 82 and 84, Sherman shows the apparatus discussed above, but does not specifically show that the portable device comprises means for automatically detecting one or more other devices that are proximate to the portable device having a fixed location and means for associating a list of the one or more other devices with the speech data. Forcier et al. shows an ultrasonic transmitter and receiver that can be used with PDAs. Therefore, it would be obvious to one of ordinary skill in the art to add these features because they provide the system with more portability.

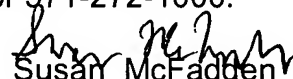
In regard to claim 83, Sherman shows the apparatus discussed above, but does not specifically show a database comprising records of one or more events associated with speech data and corresponding lists of other devices; and means for searching the

database for records at least in part according to the corresponding lists of other devices. The Examiner takes Official Notice that one in the art of portable devices would know how that databases of desired data can be generated and used as needed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Susan McFadden
Primary Examiner
Art Unit 2626